Application Number 10/676,187
Responsive to Office Action mailed September 13, 2006

REMARKS

This Amendment is responsive to the Final Office Action dated September 13, 2006.
Applicant has amended claims 1, 2, 6, 9, 14, 15, 21 and 27, and claims 23-26 have been
withdrawn from consideration. Accordingly, claims 1-22 and 27-30 are pending.

Claim Rejection Under 35 U.S.C. § 102

In the Final Office Action, the Examiner rejected claims 1-3, 6-16, 19-22, and 27-30
under 35 U.S.C. 102(b) as being anticipated by Maggioncalda et al. (US 6,012,044, herein
referred to as Maggioncalda). Applicant respectfully traverses the rejection to the extent such
rejection may be considered applicable to the amended claims. Maggioncalda fails to disclose
each and every feature of the claimed invention, as required by 35 U.S.C. 102(b), and provides
no teaching that would have suggested the desirability of modification to include such features.

Claims 1, 14 and 27

Maggioncalda fails to teach or suggest presenting a user interface that includes a plurality
of graphical input mechanisms adjustable by a user, wherein the graphical indicators represent
ranges of options associated with a set of items available from an electronic commerce system.
Maggioncalda also fails to teach or suggest receiving input from a user that adjusts one of the
graphical indicators within the respective range, selecting one of the items from the set based on
the graphical indicator adjusted by the user, and automatically adjusting at least one of the
graphical indicators not adjusted by the user based on the selected one of the items, as required
by Applicant's amended independent claims 1, 14 and 27.

Maggioncalda describes a system in which a set of graphical outputs are regenerated
based on the settings associated with an input mechanism. In Maggioncalda, a first visual
indication includes input mechanisms and a second visual indication includes a set of output
values that are based upon the input decisions. (See Abstract of Maggioncalda) In contrast,
Applicant's independent claims require at least one graphical input mechanism, which is
adjustable by a user, to be automatically adjusted based on an input received from a user via
another graphical indicator and the item selected based on the user's input. Maggioncalda makes
no mention of a graphical input mechanism that is automatically adjusted based on an input

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received from a user for another input mechanism. In particular, in Maggioncalda, the selectable settings associated with the Maggioncalda input mechanism are not adjusted based upon settings that have already been selected by the user.

In fact, Maggioncalda only suggests constraining the input settings by constraining the settings relating to financial risk based upon a set of available financial products prior to any user input. In FIG. 5B of Maggioncalda (which was cited by the Examiner), the left most setting of the financial risk slider bar corresponds to the lowest volatility mix of financial products, and the right most setting of the financial risk slider bar corresponds to the highest volatility mix of financial products. However, in Maggioncalda, the user is prevented from selecting a level of risk outside of the feasible set of risk that is actually available. (See Column 2, lines 56-67; column 10, lines 33-36; column 11, lines 55-57; and column 12, lines 9-12) Thus, in Maggioncalda the settings on the financial risk slider bar are determined prior to any user selection to prevent the user from selecting an unfeasible level of risk. Additionally, the settings in Maggioncalda are based upon the range of financial products available, a factor that is not selectable by the user via an input mechanism.

Accordingly, Maggioncalda fails to disclose or suggest automatically adjusting at least one of the graphical indicators of input mechanisms not adjusted by a user based on an item selected from a set in response to the user adjusting one of the graphical indicators, as required by Applicant's independent claims 1, 14 and 27, as amended. Withdrawal of this rejection is requested.

Claims 2 and 15

Claims 2 and 15 are dependent upon claims 1 and 14 respectively. Claims 2 and 15 further require that the graphical input mechanisms include set points having adjustable positions within the represented ranges, wherein the set points represent a current value or position within the represented ranges. In addition, these claims require the automatic adjustment of at least one of the graphical indicators to comprise re-computation of the positions for the set points associated with one or more of the graphical indicators.

Claims 2 and 15 should be allowable for at least the reasons addressed above with respect to the independent claims insofar as Maggioncalda fails to disclose or suggest automatically

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adjusting a graphical input mechanism adjustable by a user based on an item selected from a set in response to a user adjusting one of the graphical input mechanisms. For example, in Maggioncalda, the selectable settings associated with the input mechanism are not adjusted based upon settings that have already been selected by the user. Instead, in Maggioncalda, a set of output values are modified based on the settings associated with an input mechanism.

Additionally, Maggioncalda only suggests constraining the input settings by constraining the settings relating to financial risk based upon a set of available financial products prior to any user input. The input settings relating to financial risk are determined prior to any user input, are not adjusted in response to a user adjusting a graphical input mechanism, and are based upon the range of financial products available, a factor that is not selectable by the user. Maggioncalda fails to meet the requirements of Applicant's independent claims and also does not disclose or suggest that automatically adjusting the graphical indicator comprises re-computing the positions for the set points associated with the graphical input mechanism, wherein the set points have adjustable positions within the represented ranges, as required by Applicant's dependent claims 2 and 15. For these additional reasons, withdrawal of the rejections of claims 2 and 15 is requested.

Claims 6-8 and 19

Applicant's independent claim 6, as amended, requires that selecting one of the items based on the graphical indicator adjusted by the user comprises prioritizing the set points into higher priority set points and lower priority set points and selecting the item from the set of items to minimize a change to the positions of the higher priority set points.

Applicant's dependent claims 7 and 19 further require input from the user that defines priorities for the set points, and Applicant's dependent claim 8 requires that prioritizing the set points comprises prioritizing the set points that have been recently adjusted by the user.

In support of the rejections of claims 6-8 and 19, the Examiner stated that when a user of the Maggioncalda system indicates a preference for an input (e.g., risk or savings) by placing the indicator on the input slider bar at a set level, he or she places priority on that set point. The Examiner argued that since the products selected by the optimization module are selected to fit

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the criteria selected by the user, the output graphical indicators are based on the priorities indicated by the user. (See the Office Action dated 9/13/06 at page 4).

Applicant has amended claim 6 to further clarify that the graphical indicators are graphical input mechanisms. Maggioncalda does not disclose or suggest placing different priority on the currently selected values or positions associated with the user adjustable graphical input mechanisms. The output of the Maggioncalda system is based on all of the inputs selected, and higher priority is not given to any of the selected input values. Moreover, there is no teaching or suggestion in Maggioncalda that an item is to be selected so as to minimize a change to higher priority inputs. Indeed, Maggioncalda fails to disclose or suggest prioritizing set points for graphical inputs whatsoever, let alone minimizing a change to those inputs based on a selected item.

Additionally, Maggioncalda does not disclose or suggest receiving input from the user that defines the priorities, as required by Applicant's claims 7 and 19, or prioritizing the set points that have been recently adjusted by the user, as required by Applicant's claim 8. Therefore, Maggioncalda fails to disclose or suggest the requirements of Applicant's claims 6-8 and 19. Withdrawal of these rejections is requested.

In summary, Maggioncalda fails to disclose each and every limitation set forth in claims 1-3, 6-16, 19-22 and 27-30. For at least these reasons, the Examiner has failed to establish a prima facie case for anticipation of Applicant's claims 1-3, 6-16, 19-22 and 27-30 under 35 U.S.C. 102(b). Withdrawal of these rejections is requested.

Claim Rejection Under 35 U.S.C. § 103

In the Office Action, the Examiner rejected claims 4 and 17 under 35 U.S.C. 103(a) as being unpatentable over Maggioncalda in view of Tsuda et al. (US 2002/0184107, herein referred to a Tsuda); and rejected claims 5 and 18 under 35 U.S.C. 103(a) as being unpatentable over Maggioncalda in view of Egashira et al. (US 2002/0046134, herein referred to as Egashira). Applicant respectfully traverses these rejections.

Claims 4 and 17 are dependent upon claims 1 and 14, respectively. Similarly, claims 5 and 18 are dependent upon claims 1 and 14, respectively. As addressed above, Maggioncalda fails to disclose or suggest the features of independent claims 1 and 14. Furthermore, neither of

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the secondary references (Tsuda or Egashira) overcome the deficiencies of Maggioncalda
addressed above with respect to the independent claims.

For at least these reasons, a prima facie case for non-patentability of Applicant's claims 4,
5, 17 and 18 under 35 U.S.C. 103(a) has not been established. Accordingly, withdrawal of these
rejections is requested.

CONCLUSION

All claims in this application are in condition for allowance. Applicant respectfully
requests reconsideration and prompt allowance of all pending claims.

In view of the distinctions addressed above between the current claims and the applied
prior art, Applicant reserves further comment at this time on any other features of the
independent or dependent claims. However, Applicant does not necessarily acquiesce in any of
the rejections or the Examiner interpretations of the applied references. Applicant reserves the
right to present addition arguments with respect to any of the independent or dependent claims.
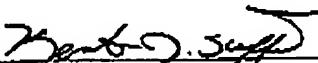
Please charge any additional fees or credit any overpayment to deposit account number
50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this
application.

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